



**Township of Stirling-Rawdon  
Policy and Procedure to  
Declare Surplus, Stop-Up, Close and Offer For Sale  
Municipal Road Allowances**

**Purpose:**

To establish a standard procedure for the closing of open and unopened municipal road allowances, within the Township of Stirling-Rawdon.

**Preamble:**

Within the Township of Stirling-Rawdon, the municipality owns all original concession road allowances which have not yet been stopped up and conveyed. Provincial legislation allows municipalities to sell such road allowances, except any portions which are covered by water.

The Township of Stirling-Rawdon supports the retention of road allowances in order to provide opportunities for public access.

However, the municipality will give consideration to the closure and disposal of a road allowance in circumstances where the road allowance cannot or will not be required as a road or where the subject road allowance is not a viable means of public access to a water body or other public access point.

Generally, the municipality will convey half of the width of the Road Allowance to each abutting landowner unless there is an agreement between the abutting landowners (which agreement may include a landowner's written expression that he/she does not wish to purchase any portion of the road allowance). There may be instances where Council will need to allocate the road allowance differently due to specific circumstances and the allocation decision ultimately lies with Council.

Applications for closure of "portions" rather than the entire road allowance may be considered at the discretion of Council.

**Policy:**

1. Road closures must be completed in accordance with s. 34, the Municipal Act, 2001, S.O. 2001, c. 25 as amended. Changes to the Act have resulted in a more streamlined process.

2. The Municipality will not consider the closure and conveyance of any road allowance, or portion thereof, which would deprive any property owner of ingress or egress to their lands or if the closure conflicts with municipal By-laws or procedures.

**Definitions:**

**Shoreline Road Allowance:** Council will give consideration to the closure and disposal of a road allowance, which in the original survey, leads along or on the shore of any water body. The road allowance in this case must be situated in such a manner that it splits the applicant's waterfront property in two and/or is the only separation between the applicant's property and the shoreline of any water body. This shall be referred to as a shoreline road allowance.

**Inland Road Allowance:** Council will give consideration to the closure and disposal of a road allowance adjacent to property which is not on the waterfront but where the development pattern or other circumstances in the area dictate that the road allowance cannot or will not be required for road purposes. This shall be referred to as an inland road allowance.

**Road Allowance Leading to Water:** Council will give consideration to the closure and disposal of a road allowance leading to water where development pattern or other circumstances in the area dictate that the road allowance cannot or will not be required for road purposes or as a viable means of public access to a water body or other public access point.

**Procedure:**

1. The applicant is responsible for all fees associated with this process, including but not limited to, the application fee, legal fees, preparation of the reference plan of survey, and the cost for the purchase of the road allowance. There shall be no expenses to the Township of Stirling-Rawdon.

In the event that an applicant fails to pay the costs incurred within six (6) months of Council passing the applicable by-law, all outstanding costs will be added to the tax roll and collected in the same manner as taxes pursuant to Section 398 of the *Municipal Act, c.25, S.O. 2001, as amended*.

2. The applicant must complete the application form and submit it to the Township, with cheque payable to the Township of Stirling-Rawdon. The required application fee is in accordance with the current year Township of Stirling-Rawdon fee schedule. This amount is a non-refundable application fee.

Any application will be considered terminated if inactive for a period of one (1) year.

3. A legible plan **MUST** be attached to the application form, which clearly demonstrates the area of unopened road allowance proposed to be purchased.

Although an Ontario Land Surveyor's plan is NOT required at this stage, it is encouraged that the Applicant obtain the services of an Ontario Land Surveyor or equivalent, to properly prepare the required plan.

4. Upon receipt of a completed application and the required fee, the Clerk will forward all pertinent information to the Public Works Department for their review and comments, to determine any requirements that the Township may have including, but not limited to, the establishments of drainage easements or covenants on title, installation of culverts or other such measures as required to protect the future needs of the Township.

For Shoreline Road Allowances or Road Allowances leading to water, circulation to and approval from the appropriate conservation authority will be required.

5. All requests for road allowance closings, where physically possible, shall be inspected by Township staff. All requests for road closures made between November 1<sup>st</sup> and March 31<sup>st</sup>, may be placed on hold until a site inspection can be scheduled.
6. All lands for consideration must be declared surplus by passing of a Resolution of Council, prior to the consideration of any application(s).
7. The Township will contact the owner(s) of the property(ies) adjacent to the allowance to ascertain if that individual wishes to purchase the 33-foot-wide portion for which they would be eligible to purchase. If that individual does wish to purchase their portion, they must also complete an application, with applicable fees, for consideration.

Upon the mutual consent of the participant(s), if two (2) or more applicants join in one (1) application, costs for each participant may be shared, and can be reduced.

8. The Township will arrange for a Public Notice, informing the public about the proposed road closing, to be placed in a local publication prior to the Public Meeting. Any objections received from the public on a specific closing and deemed valid by Staff, will be referred to Council.

Any person who feels the ingress or egress to their property may be affected, can file an objection to the application. Council shall determine the merit of any objections raised prior to providing a final decision to enact a By-law to stop-up, close and dispose of the subject road allowance.

Applications will not be approved if it is deemed:

- a) to have a negative impact on neighbouring owners of land; or
  - b) other land owners may be deprived of the sole vehicular access to their property; or
  - c) closure will result in conflicts with Municipal Official Plan policies, by-law regulations or procedures previously adopted.
9. The Municipality will provide a sign(s) to the applicant, in which the sign(s) must be posted to clearly identify the subject road allowance for a period of fourteen (14) days minimum. The posting of the sign(s) at the subject property will be the responsibility of the applicant and notice must be permitted to remain for the required period of time.
10. Township staff will prepare and present a report to Council for the approval or denial, to stop-up, close and offer for sale the subject road allowance.
11. If Council approval is granted, the applicant(s) will engage the services of an Ontario Land Surveyor to prepare a new reference plan of the subject road allowance to the following:
- a) Staff or Council pre-approved property lot line extensions;
  - b) Must show all structures on the applicant's property as well as the road allowance. The identification of structures may be removed from the draft reference plan once the Municipality has reviewed and approved the plan; and
  - c) Must show all encroachments on the road allowance from any neighbouring properties.

The road allowance must be identified as a part on the reference plan that can be registered for merging purposes. A road allowance must be joined in title with the abutting property(ies). It will not be permitted to be a stand-alone property.

The draft plan MUST NOT be deposited in the Registry Office prior to its approval by the Township. Upon receipt of the draft plan, Township staff will review and if satisfied, will direct the applicant's surveyor to deposit the survey at the local Land Registry Office. Upon completion of the required survey, applicants will be required to submit two (2) paper copies and provide one electronic version of the Registered Plan to the Clerk.

All registered plans must show/indicate the required area and/or linear measurements.

12. Once all approvals have been obtained as set out above, the applicant's solicitor will provide the transfer documents, as well as the Acknowledgement and Direction to be signed by the Mayor and the Clerk, which will effectively result in

- the registration of the By-law authorizing the transfer. The applicant will be responsible for any legal costs and any Land Transfer Tax.
13. Full payment must be received by the applicant, in accordance with the current year Township of Stirling-Rawdon fee schedule, made payable to the Township of Stirling-Rawdon. Note: HST is not applicable.
  14. Final approval of the required By-law will not be given until the current realty taxes on the applicant's property are paid in full and the account is up to date.
  15. Township staff will prepare and present the By-law to Council, to authorize the Mayor and Clerk to execute the transfer documents.
  16. All executed documents will be returned to the Applicant's solicitor for registration. The Applicant's solicitor will promptly return a copy of all registered documents to the Township of Stirling-Rawdon.